

Rickner PLLC

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November 13, 2024

Via ECF

Robyn F. Tarnofsky
U.S. Magistrate Judge
Daniel Patrick Moynihan Courthouse
500 Pearl St., Courtroom 9B
New York, NY 10007

Re: *Proctor v. City of New York*, 24-cv-02927

Dear Judge Tarnofsky:

We represent the Plaintiff Padmore Proctor and respectfully write to update the Court with respect to the progress of the ESI protocol.

Following the last conference, on November 8, 2024, we had a follow-up meet and confer with defense counsel. It was not productive, as he was not prepared to answer questions about how the search would be performed, which custodians would be searched, and other related issues. Counsel said that he would confer with the ESI team at the Law Department and respond.

We received a proposed protocol on November 12th, but it had no details at all about how the searches and review would be performed. Instead, the proposed protocol stated that the Law department would develop the actual protocol – custodians, searches, methodology, etc. – unilaterally, and tell the Plaintiff what they plan on doing several weeks later, on December 6th. This, we explained, was not acceptable, and we requested a meet and confer to discuss the actual details of the protocol, with the Law Department ESI team attending. Defense counsel agreed, and we are meeting on Monday, November 18th at 4pm.

Finally, we apologize for not providing this update to the Court yesterday, and Plaintiff asks that we be permitted to provide the joint letter on November 18th, after the meet and confer. We have not had the opportunity to discuss this request with defense counsel, but did not want to delay making it.

We thank the Court for considering this request.

Respectfully,

/s/

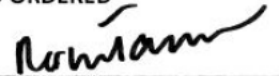
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Plaintiff's letter motion for an extension of time nunc pro tunc until November 18, 2024 for the parties to submit a joint status update on the ESI protocol is GRANTED. The parties are advised that a failure to indicate that they have made significant progress on the ESI protocol may result in my requiring them to continue their meet and confer process at the courthouse. The Clerk of Court is respectfully requested to terminate ECF 21.

Date: 11/14/2024

New York, NY

SO ORDERED



ROBYN F. TARNOFSKY

UNITED STATES MAGISTRATE JUDGE